

1 SIMPSON THACHER & BARTLETT LLP
Jeffrey E. Ostrow (CSB No. 213118)
2 2550 Hanover Street
Palo Alto, California 94304
3 Telephone: (650) 251-5000
Facsimile: (650) 251-5002
4 E-mail: jostrow@stblaw.com

5 Henry B. Gutman (admitted *pro hac vice*)
Kerry L. Konrad (admitted *pro hac vice*)
6 Victor Cole (admitted *pro hac vice*)
425 Lexington Avenue
7 New York, New York 10017-3954
Telephone: (212) 455-2000
8 Facsimile: (212) 455-2502
E-mail: hgutman@stblaw.com

10 FISH & RICHARDSON P.C.
11 David M. Barkan (CSB No. 160825)
12 500 Arguello St., Suite 500
Redwood City, CA 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071
13 Email: barkan@fr.com

14 Joseph V. Colaianni (admitted *pro hac vice*)
Ralph A. Phillips (admitted *pro hac vice*)
1425 K Street, N.W., Suite 1100
15 Washington D.C., 20005
Telephone: (202) 783-5070
16 Facsimile: (202) 783-2331

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

3COM CORPORATION.

Case No. Cy-05-00098-VRW

Plaintiff/Counterdefendant,

**STIPULATION AND [PROPOSED] ORDER
SUSPENDING DISCOVERY SCHEDULE
IN LIGHT OF PENDING SETTLEMENT**

V.

D-LINK SYSTEMS INC.

Defendant/Counterplaintiff.

WHEREAS, the parties in the above-captioned action have reached an agreement-in-principle to settle all of their outstanding claims and counterclaims in this action, and anticipate

1 the prompt preparation and execution of a definitive settlement agreement according to the
2 agreed-upon terms;

3 WHEREAS, pursuant to the Court's order dated June 22, 2007, the parties were to
4 exchange rebuttal expert reports on August 8, 2007;

5 WHEREAS, the parties have served various discovery requests upon each other and
6 certain non-parties, which are pending;

7 WHEREAS, the parties wish to avoid undue cost and expense in connection with further
8 submissions and compliance with discovery demands pending settlement of this action;

9 NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE and respectfully
10 request the Court to order as follows:

11 1. The exchange of rebuttal expert reports, and the parties' responses to all pending
12 discovery requests, shall be adjourned to enable the parties to consummate their contemplated
13 settlement;

14 2. If the parties are unable to execute a mutually satisfactory settlement agreement
15 within thirty (30) days, within two weeks thereafter the parties shall meet and confer and present
16 to the Court a proposed revised schedule for the completion of discovery in this case.

17

18 Dated: August 8, 2007

19

By: /s/ Kerry L. Konrad

Kerry L. Konrad

(*pro hac vice*)

20 Attorneys for Plaintiff/Counterdefendant
21 3COM CORPORATION

23

24

By: /s/ David M. Barkan

David M. Barkan

(State Bar No. 160825)

25 Attorneys for Defendant/Counterplaintiff
26 D-LINK SYSTEMS, INC.

27

28

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
2 penalty of perjury that concurrence in the filing of this document has been obtained from David
3 M. Barkan.

4 SIMPSON THACHER & BARTLETT LLP

5 By: /s/ Kerry L. Konrad

6 Kerry L. Konrad

7 (pro hac vice)

8 Attorneys for Plaintiff/Counterdefendant
3COM CORPORATION

9

10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11

12

13

14

15 Dated: August 13, 2007

16

17

18

19

20

21

22

23

24

25

26

27

28

